

**IN THE UNITED STATES DISTRICT COURT  
FOR DISTRICT OF DELAWARE**

TRI-STATE ENERGY SOLUTIONS, LLP a : Civil Action No.  
Delaware Limited Liability Partnership; :

Plaintiff, :

**JURY TRIAL DEMANDED**

vs. :

KVAR ENERGY SAVINGS, INC., :

Defendant. :

**DEFENDANT KVAR ENERGY SAVINGS, INC.'S MOTION TO DISMISS  
FOR LACK OF PERSONAL JURISDICTION, OR IN THE ALTERNATIVE,  
MOTION TO TRANSFER THIS ACTION TO THE MIDDLE DISTRICT OF FLORIDA**

Defendant KVAR Energy Savings, Inc. ("KVAR"), by and through its undersigned counsel, hereby respectfully moves this Court to dismiss this action for lack of personal jurisdiction, or in the alternative, transfer this action to the United States District Court for the Middle District of Florida. KVAR respectfully refers the Court to its Opening Brief filed herewith for the basis of the relief sought.

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Dated: April 11, 2008

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

TRI-STATE ENERGY SOLUTIONS, LLP a	:	Civil Action No.
Delaware Limited Liability Partnership;	:	
	:	
Plaintiff,	:	<b>JURY TRIAL DEMANDED</b>
vs.	:	
	:	
KVAR ENERGY SAVINGS, INC.,	:	
	:	
Defendant.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that on **April 11, 2008**, I electronically filed the Defendant KVAR Energy Savings, Inc.'s Motion to Dismiss Defendant KVAR Energy Savings, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction, Or In The Alternative, Motion to Transfer This Action to the Middle District of Florida with the Clerk of Court using CM/ECF. I hereby certify that on **April 11, 2008**, I have mailed by United States Postal Service, the document(s) to the following non-registered participants:

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TRI-STATE ENERGY SOLUTIONS, LLP a  
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Plaintiff,

VS.

KVAR ENERGY SAVINGS, INC.,

Defendant.

Civil Action No.

**JURY TRIAL DEMANDED**

**[PROPOSED] ORDER**

IT IS HEREBY ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2008, that upon consideration of Defendant KVAR Energy's Savings, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction, this action is dismissed for lack of personal jurisdiction.

UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR DISTRICT OF DELAWARE**

TRI-STATE ENERGY SOLUTIONS, LLP a  
Delaware Limited Liability Partnership;

Plaintiff,

VS.

KVAR ENERGY SAVINGS, INC.,

Defendant.

Civil Action No.

**JURY TRIAL DEMANDED**

**[PROPOSED] ORDER**

IT IS HEREBY ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2008, that upon consideration of Defendant KVAR Energy's Savings, Inc.'s Motion to Transfer This Action to the Middle District of Florida, this action is transferred to the United States District Court for the Middle District of Florida.

UNITED STATES DISTRICT JUDGE